

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOHN D. SMITH,

Plaintiff,

-against-

JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

JUDGMENT  
05-CV- 2586 (DGT)

**FILED**

IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 3 4 2005 ★

BROOKLYN OFFICE

An Order of Honorable David G. Trager, United States District Judge, having been filed on October 26, 2005, reversing the final decision of the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g); remanding the action to the Commissioner of Social Security for further administrative proceedings including a de novo hearing before an Administrative Law Judge; and directing that upon remand, the Administrative Law Judge will apply 20 C.F.R. § 404.1527(d); it is

ORDERED and ADJUDGED that the final decision of the Commissioner is reversed pursuant to the fourth sentence of 42 U.S.C. § 405(g); that the action is remanded to the Commissioner of Social Security for further administrative proceedings including a de novo hearing before an Administrative Law Judge; and that upon remand, the Administrative Law Judge apply 20 C.F.R. § 404.1527(d).

Dated: Brooklyn, New York  
October 31, 2005

s/Robert C. Heinemann  
ROBERT C. HEINEMANN  
Clerk of Court